

DAVID N. KELLEY  
United States Attorney for the  
Southern District of New York  
Attorney for Respondent  
By: LAWRENCE H. FOGELMAN (LF-9700)  
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Telephone: (212) 637-2719

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X	
XINHUA FINANCIAL NETWORK,	:
	:
Petitioner,	:
	:
v.	:
	:
UNITED STATES OF AMERICA,	:
	:
Respondent.	:
----- X	

04 Civ. 08043 (DC)

DECLARATION OF LAWRENCE H. FOGELMAN

LAWRENCE H. FOGELMAN, pursuant to the provisions of 28 U.S.C. § 1746,  
declares as follows:

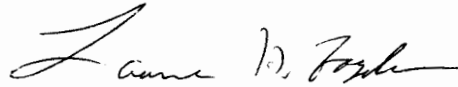
1. I am an Assistant United States Attorney in the office of David N. Kelley, United States Attorney for the Southern District of New York. I am responsible for representing the United States of America in the above-referenced action. As such, I am familiar with the proceedings herein.

2. Attached hereto as Exhibit A is a true and correct copy of a letter from Kenneth Chan of the IRS dated November 15, 2004, withdrawing a summons issued on

September 21, 2004 to United Business Media, Inc.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
November 16, 2004

A handwritten signature in cursive script, appearing to read "Lawrence H. Fogelman", is written above a horizontal line.

LAWRENCE H. FOGELMAN

**EXHIBIT A**



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE

Date: Nov. 15, 2004

**Via Express Mail**

Mr. Scott Mozarsky  
General Counsel  
United Business Media, Inc  
810 Seventh Avenue, 27<sup>th</sup> Fl.  
New York, NY 10019

Address: 450 Golden Gate Ave., 6<sup>th</sup> fl.  
San Francisco, CA 94102

Person to Contact: Kenneth Chan  
Badge No. 94- 06113

Telephone: (415) 522-6088 Fax: 522-6277

Refer Reply To: EG 1303

RE: Summons

Dear Mr. Mozarsky:

This is to advise you that the summons issued on 9/21/04 in the matter of Loretta F. Bush is withdrawn.

We will issue a new summons very shortly. If you have any question, please feel free to call me at the above phone number.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ken Chan".

Kenneth Chan  
Revenue Agent, International Compliance

cc. Randy Dick, Esq.  
Hillary Richard, Esq.  
Loretta Bush  
Xinhua Financial Network (XFN)